

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVOOD KHADEMI,

Plaintiff,

v.

SOUTH PLACER CO. JAIL, et al.,

Defendants.

No. 2:21-cv-1498 KJM DB P

ORDER


Plaintiff is proceeding pro se with a civil rights action. In an order filed March 9, 2022, this court found plaintiff stated a cognizable claim against defendants Waskowiak and Carelton for excessive force. This court further found that plaintiff failed to state any other claims for relief. Plaintiff was advised that he had a choice. He could choose one of two things: (1) plaintiff could choose to proceed immediately on his excessive force claims against Waskowiak and Carelton; or (2) plaintiff could choose to amend his complaint. Plaintiff was further advised that if he chose to proceed immediately on his excessive force claims against Waskowiak and Carelton, he would also voluntarily dismiss all other claims. Voluntarily dismissing all other claims means plaintiff would be dismissing from this case defendants Bailar, Giovanaetti, Wooden, Lawica, Walker, Bertoni, Kennedy, Cemina, Stive, and the unnamed dentist. The court provided plaintiff with a form for plaintiff to notify the court about whether he chooses option (1) or option (2).

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1 On March 28, 2022, plaintiff filed the notice. However, plaintiff checked both boxes.
2 Plaintiff cannot choose both options. He may either proceed immediately on his claims against
3 Waskowiak and Carelton or he may amend his complaint. Plaintiff will be provided another copy
4 of the notice form. Plaintiff shall check only one of the boxes on the form and return the form to
5 the court for filing within thirty days.

6 Accordingly, IT IS HEREBY ORDERED that within thirty days of the date of this order,
7 plaintiff shall file the attached form. On that form, plaintiff shall check one of the boxes to
8 inform the court how he wishes to proceed with this case.

9 Dated: April 7, 2022

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12 DEBORAH BARNES
13 UNITED STATES MAGISTRATE JUDGE
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22 DB prisoner inbox/civil rights/R/khad1498.form LTA or proceed(2)
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PLAINTIFF'S NOTICE ON HOW TO
PROCEED

Check one:

_____ Plaintiff wants to proceed immediately on his claim in the first amended complaint that defendants Waskowiak and Carelton used excessive force in violation of the Eighth Amendment when they used handcuffs on him on May 23, 2021. Plaintiff understands that by going forward without amending the first amended complaint he is voluntarily dismissing all other claims.

_____ Plaintiff wants to amend the first amended complaint.

DATED: _____

Plaintiff Davood Khademi, Pro Se